

**Federal Defenders  
OF NEW YORK, INC.**

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August 4, 2020

*By ECF and by e-mail*

Honorable Richard J. Sullivan  
United States Circuit Judge  
Court of Appeals for the Second Circuit  
40 Foley Square  
New York, New York 10007

Re: *United States v. Javier Lavayen*, 14 Cr. 774 (RJS)

Dear Judge Sullivan:

On August 3, 2020, the Government requested that the Court detain Mr. Lavayen pending a supervised release revocation hearing, *see* Dkt. No. 33, and I write on consent to respectfully request that the Court permit me to file my opposition to that request before ruling on the Government's motion.

For reasons that I will detail, instead of remanding Mr. Lavayen or reopening a detention hearing, the Court should instead schedule an evidentiary hearing on the violations. While that hearing is pending, the Court should allow Mr. Lavayen – who is both working and receiving mental health treatment – to remain at liberty under the current conditions of supervision, which include electronic monitoring. Among other reasons, allowing Mr. Lavayen to remain at liberty will allow him to prepare for his defense, which will be near impossible to do under the prevailing conditions in the federal prisons. I propose that my opposition be filed later today. The Government – per Assistant U.S. Attorney Drew Skinner – consents to the filing of the opposition along the proposed schedule.

Respectfully Submitted,

/s/ \_\_\_\_\_  
Martin S. Cohen  
Ass't Federal Defender  
Tel.: (212) 417-8737

cc: Drew Skinner, Esq. by ECF and e-mail

IT IS HEREBY ORDERED THAT Defendant shall file his opposition no later than August 5, 2020.

SO ORDERED

Dated: 8/4/20

  
RICHARD J. SULLIVAN  
U.S.D.J.